IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

RFA.No. 289 of 2003()

OS.168/1995 of SUB COURT, MANJERI
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APPELLANT/PLAINTIFF:

MUHAMMADKUTTY HAJI,
S/O. THAZHATHE PALLIYALI MOIDEENKUTTY,
KARIPPUR AMSOM DESOM, ERNAD TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS: DEFENDANTS:
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1. IBRAHIMKUTTY,
S/O. THAZHATHE PALLIYALI MOIDEENKUTTY,
KARIPPOOR AMSOM, DESOM.

2. ABU HAJI, -DO- -DO- -DO-.

3. PATHUMMA HAJJUMMA,
D/O. THAZHATHE PALLIYALI MOIDEENKUTTY,
POOKKOTTOOR AMSOM, VELLOOR DESOM,
MALAPPURAM DISTRICT.

4. AMINA UMMA,
D/O. THAZHATHE PALLIYALI MOIDEENKUTTY,
KARIPPOOR AMSOM DESOM.

5. RUKIYA UMMA,
D/O. THAZHATHE PALLIYALI MOIDEENKUTTY,
MUNNIYOOR AMSOM, DESOM, MALAPPURAM DISTRICT.

6. MARIYUMMA,
D/O. THAZHATHE PALLIYALI MOIDEENKUTTY,
THENHIPPALAM AMSOM, DESOM, MALAPPURAM DISTRICT.

7. KODITHODI KATHIYUMMA,
W/O. LATE MAMMADEESA HAJI, KARAKUNNAM AMSOM,
AAMAYOOR DESOM, MALAPPURAM DISTRICT.

8. PATHUMMA,
W/O. CHALIL VEERANKUTTY HAJI,

KARIPOOR AMSOM, DESOM.

9. KADEEJA, W/O. MEEMPATTA MUHAMMAD,
OONGATTIRI AMSOM, DESOM, MALAPPURAM DISTRICT.

10. CHERIYA MAMMAD,
S/O. LATE THAZHATHE PALLIYALI MAMMADEESA HAJI,
KARAKUNNAM AMSOM, AAMAYOOR DESOM,MALAPPURAM DIST.

11. MOIDEENKUTTY, -DO- -DO- -DO-.

12. ABDUL NAZAR, -DO- -DO- -DO-.

13. ABDUL RAZHEED, -DO- -DO- -DO-.

14. UMMUKULSU, W/O. P.V.ABU,
KOODARANJI AMSOM, DESOM, MALAPPURAM DISTRICT.

15. HAMZATHA SALEEM,
D/O. LATE THAZHATHE PALLIYALI MAMMADEESA HAJI,
KARAKUNNAM AMSOM, AAMAYOOR DESOM, MALAPPURAM DIST.

16. RUKKIYA,
W/O. THAZHATHE PALLIYALI AHAMMED HAJI,
KARIPPOOR AMSOM, DESOM.

17. MOIDEENKUTTY,
S/O. THAZHATHE PALLIYALI AHAMMED HAJI,
KANNAMANGALAM AMSOM, DESOM, MALAPPURAM DIST.

18. HAFSATH,
D/O. THAZHATHE PALIYALI AHAMMED HAJI,
KARIPPOOR AMSOM, DESOM.

19. RAMLATH,
D/O. THAZHATHE PALLIYALI AHAMMED HAJI,
KARIPPOOR AMSOM, DESOM.

20. KUKNHIMUHAMMAD,
S/O. LATE PULLATT SAIDALIKUTTY HAJI,
KANNAMANGALAM AMSOM DESOM, MALAPPURAM DISTRICT.

21. AHAMMADKUTTY, -DO- -DO- -DO-.

22. ABDUL SAMMAD, -DO- -DO- -DO-.

23. MUHAMMED MUSTHAFA,
S/O. LATE PULLATT SAIDALIKUTTY HAJI,
FEROKE AMSOM, DESOM, KOZHIKODE DISTRICT.

24. AYISSA BEEVI,
W/O. PUTTEKKATT ASSANKUTTY HAJI, VELIPRAM AMSOM,
RAMANATTUKARA DESOM, MALAPPURAM DISTRICT.

25. ASMABI,
W/O. K.T.MUHAMMADKUTTY ALIAS KUNHAN,
KANNAMANGALAM AMSOM, DESOM, MALAPPURAM DISTRICT.

26. KADIYUMMA,
PULLAT SAIDALIKUTY, FEROKE AMSOM, DESOM,
KOZHIKODE DISTRICT.

R7,8,9,12 & 13 & 16 & 19 BY ADV. SRI.K.M.SATHYANATHA MENON

THIS REGULAR FIRST APPEAL HAVING COME UP FOR CONSIDERATION ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & V.K.MOHANAN, JJ.

R.F.A.NO.289 OF 2003

Dated this the 5th day of September, 2007

JUDGMENT

Raman, J.

The matter came up in the defect list. No steps were taken to serve notice to respondents 5, 6, 11, 14, 17, 18, 21 to 24 and 26. The learned counsel appearing for the appellant submits that the appellant died as early as on 2/12/2007. No steps are taken by the legal representatives to get themselves impleaded and to prosecute the appeal.

In the circumstances, the appeal is dismissed.

Sd/-
P.R.RAMAN,
Judge.

Sd/-
V.K.MOHANAN,
Judge.

kcv.